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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Zengerle

Examiner: Unassigned

Serial No. 09/936,881

Art Unit: 1744

Filed: 12/31/2001

Docket No. SCHO0097

Title: Fluid Management Apparatus with Format Conversion

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response

Sir(s);

An amendment in response to the Office Action dated January 23, 2004 in the above-identified patent application is provided:

1. The Examiner indicates that Claim 2 would be allowable if rewritten in independent forum.

Responsive thereto, Applicant has canceled Claim 2 and amended Claim 1 to incorporate therein the subject matter of Claim 2. Accordingly Claim 1 and all claims appending therefrom are deemed to be in allowable condition.

2. The Examiner has cited USPN 5796416 (Silverbrook) as anticipating prior art with regard to the claims of the subject application, with the exception of Claim 2 as noted above.

Applicant respectfully disagrees.

The following discussion is in connection with Claim 11, and the rejections raised by the Examiner with regard to Claim 1 and Claims 3 through 9, being overcome by the amendment above-mentioned. With regard to Claim 11, Applicant first notes that with Claim 11 a plurality of fluid inlets are within the invention as defined in Claim 1, plurality of fluid inlets are arranged in the raster scheme of microtiter plates. Contrary to the Examiner's assessment, Silverbrook is silent about a fluid management apparatus having fluid inlets arranged in the raster scheme of microtiter plates. Rather, Silverbrook relates to a drop-on-demand pinhead on which a plurality of nozzles 121 are arranged, as can be seen in from figure 7 therein. Ink enters each nozzle at the top surface of the head, passes through the substrate, and leaves via the nozzle tip 123 (column 33, lines 24-26). As described by Silverbrook (column 33, line 47 to column 35, line 41) with reference to figures 8-11, for example, the plurality nozzles are arranged to obtain desired properties when printing.

Silverbrook is totally silent about a plurality fluid inlets arranged in the raster scheme of microtiter plates. In this regard, the Examiner has not indicated in the Office Action where in the Examiner's opinion Silverbrook discloses a raster scheme of microtiter plates. The term "microtiter plate" as used in the application, refers to standardized plates having a raster of fluid receptacles with standard diameters and standard spacing. For example see page 6 last paragraph on page 12 center paragraph of the specification.

Silverbrook relates to an inkjet printer rather than an apparatus for applying analytes onto microarrays or biochips in the field of microbiology. Thus, it is clear that Silverbrook is silent about fluid inlets being arranged in the raster scheme of microtiter plates because such microtiter plates are used in the field of microbiology, but not in the field of inkjet printers. Thus, Silverbrook is nonanalogous prior art. For the above reasons, a person of ordinary skill in the art would not have motivation to arrange the nozzles of Silverbrook in the raster

scheme of microtiter plates so that the subject matter of the subject. Accordingly the subject matter of the invention is not suggested by Silverbrook.

Lacking the disclosure of this claim element, there can be no anticipation of the invention by Silverbrook. Further, because Silverbrook is concerned with a different problem in a different field of art, the invention herein claimed is not obvious in view of Silverbrook.

In view of the foregoing, if the Examiner is still of the opinion that Silverbrook discloses a raster scheme of microtiter plates as affirmably stated in Applicant's claims, the Examiner is respectfully requested to indicate which portions of Silverbrook provide such teaching.

Should the Examiner deem it helpful, he is encouraged to contact Applicant's attorney, Michael A. Glenn, at (650) 474-8400.

Respectfully submitted,

A handwritten signature, likely of Michael A. Glenn, consisting of a stylized 'a' followed by a diagonal line.

Michael A. Glenn

Reg. No. 30,176

Customer No. 22862